

AT ISSUE

A PUBLICATION BY AND FOR THE YOUNG LAWYERS DIVISION
OF THE PENNSYLVANIA BAR ASSOCIATION

MARCH 2018

"The Times, They Are A-Changin' ..."

By Jonathan D. Koltash, Esq., PBA YLD chair

It has been said that the only way to truly live is by growing and that the only way to grow is by being willing to change. To change, we must look at ourselves and evaluate where we have been and where we are going. Over the past year, I have had the distinct pleasure of working with a YLD Executive Council, which has undergone the arduous task of evaluating our organization in an effort to improve the way we reach young lawyers, as well as soon-to-be young lawyers. Although change is not always easy, it often comes with great opportunities. Over the last six months, we have accomplished a series of changes that will allow us to better serve as the voice of all young lawyers across Pennsylvania.

... the only way to truly live is by growing, and that the only way to grow is by being willing to change.

2017 YLD Summer Summit

In July 2017, the YLD held its annual Summer Summit in State College, Pennsylvania. This event, a re-tooled version of the YLD New Admittee Conference, was geared at providing an opportunity for young lawyers to mix with state and federal judges, PBA leadership and each other in both a professional and social setting. The YLD Summer Summit was a great opportunity to meet young lawyers from across the commonwealth, earn a few CLE credits and enjoy beautiful State College in the summer.

YLD Liaison Program

From that Summer Summit came a clear message: it was time to change. In an effort to break down barriers between the sections of the PBA, the YLD leadership invigorated its Committee and Sections Liaison Program. To do this, we solicited volunteers from our membership to serve as liaisons to the PBA's committees and sections.

In what I believe was a resounding message about the willingness of our generation to lead, more than 60 young lawyers and law students volunteered. These individuals eagerly asked for an opportunity to serve, give back and help improve our association. As a committee or section liaison, these young lawyers have been asked to serve as a conduit of information between the YLD and the various committees and sections of the PBA and to break down barriers that sometimes silo us as an organization. Additionally, we asked them to look for ways in which the YLD can better partner with other areas of the PBA to enhance the programming we offer our membership.

The positive effects of those relationships are already being felt. Programming geared at young lawyers is being developed by many parts of the PBA, in part because of our liaisons. We are also seeing fresh faces volunteer for YLD programs, such as



PBA YLD Chair Jonathan D. Koltash

Mock Trial and Wills for Heroes. These relationships will serve to enhance the YLD as a place for leadership within the PBA and hopefully create more opportunities for young lawyers to serve in leadership roles in the committees and sections.

Age Limit Increase

In November, the YLD Executive Council increased the age limit of what constitutes a young lawyer from 38 to 40. This change is geared at producing more opportunities for young female attorneys – who often take time away from the organized bar to start a family – to return and become active in the YLD and serve in leadership. The YLD is a great place to learn about the PBA and what it can offer and to get involved. For many young attorneys, however, starting a family prevented this from happening. By increasing the age from 38 to 40, we opened up new opportunities for leadership by breaking down some old barriers.

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YLD Chair Message

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Law School Students

The YLD also sought a series of amendments to the PBA bylaws, changing the face of the PBA. Historically, the YLD had a sister organization, the Law Student Division. For the Law Student Division to function, each year law students, selected from their respective law schools, needed to elect Law Student Division leaders. While great in theory, because of the strains already placed on law students, this model proved to be ineffective.

As of the November House of Delegates meeting, the Law Student Division no longer exists. Law student members of the PBA are now members of the YLD. To effectuate this change at our February business meeting, the YLD Executive Council approved a second set of amendments to our bylaws creating nine new Council seats, one for each of Pennsylvania's law schools, as well as an at large seat for out-of-state law school members. This will allow law students to have a voice in the PBA within the structure of the YLD. This change is pending approval of the PBA Board of Governors at its May meeting.

YLD Events and Caravans

Beyond reinventing ourselves, the YLD has also been active in planning events. Since May, the YLD Zone Chairs have held eight caravans within their respective zones, with four more scheduled this spring. The YLD Caravans allow us to reach out to our membership at the local level. Although these events vary from a trivia night to a day at a baseball game, they allow us to interact with the young lawyers across the commonwealth.

Mock Trial Program

Currently, our annual Mock Trial program is in full swing. This year, our competition, one of the largest in the nation, has 284 teams registered, representing 244

high schools. Because of the many young lawyer volunteers, over 1,700 high school students have the opportunity to present trials before judges and jurors in Pennsylvania courthouses across the commonwealth. The hard work of our volunteers has provided these students an opportunity to see the Pennsylvania judiciary, as well as our profession, in a positive light.

During the YLD business meeting in February, the YLD advanced a resolution to the PBA House of Delegates asking the PBA to lobby the Supreme Court to allow up to two continuing legal education credits or two continuing judicial education credits annually for those individuals who participate as judges, jurors, or coaches of mock trial programs. This change to the CLE rule, consistent with other states, would aid in ensuring that the PBA YLD Mock Trial competition continues to offer an outstanding opportunity to a future generation of citizens of the commonwealth. This proposal is pending approval of the House of Delegates in May.

Wills for Heroes

Additionally, since May 2017, the YLD has held more than 35 Wills for Heroes events across Pennsylvania, providing free basic estate planning documents to first responders and military veterans in Pennsylvania. Wills for Heroes provides police, fire, emergency medical personnel, other first responders and military veterans – those on the frontlines for our personal safety – the tools they need to prepare adequately for the future. Programs are staffed by lawyer volunteers and are conveniently offered at meeting halls and police and fire stations.

Beyond our law related education and pro bono initiatives, on March 5, 2018, the YLD offered 40 young lawyers the opportunity to be sworn into the bar of the United States Supreme Court. I had the distinct pleasure of moving for the admission of young lawyers from across the Commonwealth. It was an outstanding experience and a wonderful opportunity for all involved.

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Volunteer for the PBA High School Mock Trial Competition



Hundreds of high school teams are currently taking part in the Pennsylvania Bar Association Statewide High School Mock Trial Competition sponsored by the PBA Young Lawyers Division.

The final rounds of competition take place during Championship Weekend, March 23 and 24, in Harrisburg. Volunteers are needed to serve as scoring judges.

To sign up, go to www.pabar.org/public/yld/judgingpanelvolunteerformblurb.asp.

Need additional information? Contact the PBA's Maria Engles at maria.engles@pabar.org.



YLD Chair Message

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As my year as chair is quickly coming to an end, I look back at the changes we have made. The only way that we can live is if we grow and that the only way we can grow is if we change. Working with the YLD Executive Council – to whom I owe a great deal of gratitude – the YLD has done just that! But our work is not over; it requires each of you to get involved. Look at the YLD Facebook page, come to an event, write an article for *At Issue* or volunteer for Mock Trial or Wills for Heroes. Step up, serve and get involved in our bar association.

Step up, serve and get involved in our bar association.

Go to our PBA YLD [Facebook](#) page.



On Monday, March 5, 40 PBA young lawyers were sworn into the U.S. Supreme Court. Congratulations Kara Stachel, Stephanie Balest, Gilda Arroyo, Andrea Boyle, Michael Clemente, Diana Collins, Sarah Dooley, Paul Edger, Katharine Fogarty, Katherine Haberl-Thomas, Beth Hackney, Alex Isbell, Kelly Eberle, Autumn Johnson, Matthew Jorden, Rebecca Kolsky, Alaina Koltash, Kandis Kovalsky, Kristen Ladd, Melissa Merchant-Calvert, Katherine Noa, Christopher Piazza, Thomas Robins, Jennifer Robinson, Justin Romano, Christopher Sasada, Nigel Scott, Ashley Securda, Rosina Stambaugh, Maxwell Stanfield, Victoria Strunk, Aaron Susmarski, Arthur Traldi, Jessica VanderKam, Ryan Very, Tiffany Watson, Andre Webb, Jennifer Wetzels, Adam Williams.



Save the Date!

Pennsylvania Bar Association 2018 Young Lawyer Summer Summit July 18-20, 2018

The Penn Stater Hotel & Conference Center, State College, PA

Focusing on community service & professional development



Ten Helpful Hints from a Hearing Officer*

By Debra K. Wallet, Esq.

So you've managed to obtain some due process for your client in the nature of a hearing before a hearing officer. What do you do now? How can you manage to represent your client in the best possible light before the hearing officer?

Here are some helpful hints from the hearing officer's perspective (although not necessarily in inverse order of importance, as on David Letterman). Many of these are elementary, but they are good to keep in mind.

1 No harm in asking for discovery.

Any hearing subject to the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 31.1 *et seq.*, is not subject to the kind of formal discovery you might expect under the Pennsylvania Rules of Civil Procedure. Nevertheless, you might be wise to ask the other side for documents that you expect them to use at the hearing. Many times they will be given to you in advance of the hearing. GRAPP does provide for stipulations (always appreciated by the hearing officer), 1 Pa. Code § 35.155, and allows you to request that the hearing officer issue subpoenas for the attendance of witnesses or the production of documents. 1 Pa. Code § 35.142. In fact, there is a provision applicable to pre-hearing conferences that allows for the imposition of expenses incurred (including reasonable attorney's fees) against a party who unreasonably refuses a stipulation or the genuineness of a document. 1 Pa. Code § 35.116.

2 Get to the point quickly. Don't waive your opportunity to give an opening at the beginning of the hearing.

Hearing officers are only human and will begin to form conclusions about the persuasiveness of your arguments from the

beginning of the testimony. You want to tell your story at the very beginning. It is rarely wise to "wait and see what the other side presents." You always have a favorable version of the story and you want the hearing officer to consider your version as he/she listens to the evidence.

3 Be aware that most evidentiary objections are likely to be denied. Protect your record but do not belabor the point.

Primarily because of the multiple reviews of the conduct of each hearing and the findings made by the hearing officer (perhaps by the agency head or some board or the Commonwealth Court), the hearing officer is likely to allow into the record the objected to evidence "for what it is worth" so that the entity making the review may consider the hearing officer's ruling. If the evidence is taken, there will be no need for a remand to hear the evidence that the hearing officer has disallowed. There is no jury to be prejudiced by the evidence. Hearing officers and the reviewing bodies are perfectly capable of ignoring improperly introduced evidence and make no findings based upon evidence that should properly have been excluded.

Hearsay objections are important for preservation of the objection, particularly when unobjected to hearsay may form the basis of a finding if it is corroborated by competent evidence. *See Walker v. Unemployment Comp. Board of Review*, 367 A.2d 366 (Pa. Cmwlth. 1976), the seminal case. Nevertheless, hearsay evidence will often be heard for the reasons described above. By all means, make your objection in the most persuasive possible way so that the record is protected. The hearing officer will often grant you a "continuing objection" so that the flow of the hearing

is not halted at every question. Make your objection, be persuasive and move on if the hearing officer allows the testimony or documentary evidence. Whining is not favored.

4 A well-founded relevance objection is almost always granted.

Only that evidence which is "relevant and material" shall be admissible. GRAPP, 1 Pa. Code § 35.161. When viewing relevancy objections, the question is whether the evidence will support a finding of fact that makes some arguable difference in the case. The evidence proffered might be particularly interesting or it might be helpful in understanding relevant evidence. If so, the hearing officer may allow it. But if the evidence is not relevant to the issue before the hearing officer, it will be excluded.

The questions to ask are: "Can I propose a finding of fact based upon this?" "Is it likely that this hearing officer — or any fact finding body — will make a finding based upon this evidence?"

5 If one witness will make the point, why risk the potential harm of multiple witnesses?

Admittedly, matters of credibility sometimes require several witnesses to convince the fact finder that a particular fact has been accurately presented. Analyze this in advance and do not call any more witnesses than absolutely necessary to establish what you need. Too often, the second or third witness is less sure than the first and merely undercuts the testimony of your first witness. If the first witness is a disappointment, then by all means try with another. The question here is: "Do I really need the testimony of this witness to make my case?"

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* The opinions in this article are exclusively those of the author and do not necessarily reflect the opinions of the Office of General Counsel. Other hearing officers may have differing opinions. This article was originally published by the Pennsylvania Bar Institute and is reprinted with permission.

Ten Helpful Hints

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6 Prepare for cross-examination before the day of the hearing. Do not wait until you have heard the direct testimony!

If you have prepared well for your case, you have an excellent idea of what each witness is likely to say. (If you don't, then you probably aren't as prepared as you think you are!) Only if there is a true surprise from someone should you be working on the cross-examination during the direct testimony. On direct, you should be listening, not planning your next move. This is possible only if the cross examination is already thought out.

Sometimes, the cross is done in the alternative. If the witness says X, then I will do this. If the witness says Y, then my strategy will be something else. Planning in the alternative makes it even more important to *listen* so that you are clear on what the witness has said.

As a hearing officer, it is pretty clear to me when an advocate has not prepared the cross examination in advance. Shall we say that this is never impressive?

7 Submit only those proposed Findings of Fact and Conclusions of Law that are fair, accurate, and founded in law. Make certain your citations to the record and to cases are absolutely correct.

The hearing officer will probably read both briefs just before starting to write the decision. If findings do not seem to comport with the hearing officer's recollection, you can be sure that the citations to the record that you have given will be checked immediately. If your case citations are questionable indeed, then most of what you argue will be given less weight. Once you lose credibility, none of your other findings will be adopted without careful scrutiny. Be aware that you are protecting your credibility with this hearing officer in this hearing and all future hearings. Once you have lost credibility because you have been sloppy or because you

have "stretched the truth," it is difficult to regain it.

You want the hearing officer to start with *your* set of findings and conclusions, not your opponent's. If so, you have a much better chance of having the hearing officer find in your favor.

8 Give the hearing officer something to work from. A document which is susceptible to "cut and paste" is ideal.

Most fact finders will direct the parties to submit their work in electronic format, which is capable of easy manipulation. Like everyone else, hearing officers are under time pressures and being able to "cut and paste" the relevant statutory provision will save a lot of additional typing. Again, make sure you have proofread what you have submitted. Don't risk losing credibility over a misquoted section.

9 Try to write in clear, simple English.

The Pennsylvania Bar Association has a Plain English Committee. Everyone should pledge to live by the clear and simple rule.

10 Be professional in your dealings with the witnesses, the other attorneys and the hearing officer.

Our profession has a bad enough reputation. Make it a point to treat others with respect, compassion and patience. Not everyone will be as smart as you! Give the world a little break.



Debra K. Wallet is a private practitioner with an office in Camp Hill, Pa. Her practice offers services in the areas of wills and estates, power of attorney, estate planning, probate services,

social security disability and taxation law. She also serves as a contracted administrative law judge. As a hearing officer, Attorney Wallet presides over a wide variety of administrative matters, including cases involving Right-to-Know Law and the State Employees' Retirement Code.



Pennsylvania Bar Association Bar Leadership Institute

The PBA Bar Leadership Institute provides emerging leaders, representing the diversity of PBA membership, with an opportunity to learn about the PBA and to actively participate in key meetings. The BLI looks to the future of the association by developing well-informed, committed leaders who will serve the PBA for many years to come. Participation in the Bar Leadership Institute:

- provides numerous opportunities to network with PBA members and build lasting relationships that will serve as an invaluable resource for future success;
- familiarizes participants with the day-to-day operation of the association;
- provides a foundation on governance and policy issues; and
- introduces participants to PBA staff and resources.

If you know a young leader, encourage him or her to apply.

If you are a young leader, visit the PBA website for details and complete an application.

Applications for the 2018-2019 PBA PBI class are due May 4, 2018.

www.pabar.org/site/BLI



Part 1: Who told you it's too soon to land clients?!

Self-Marketing

By Bryant A. Andrews, Esq.

“Where do clients come from?” and “how can I plant the seeds for future business?” are common questions for new attorneys. This is the first in a three-part series on business development for new attorneys when launching their careers. This article is on self-marketing. Parts two and three cover client service and business development.

You may have applied to law school understanding the practice of law to be a prestigious, honorable pursuit. Once you obtain your law degree, pass the bar exam and receive that golden offer (or open up your own office — you bold and fearless millennial!), you quickly discover that with all of its prestige and honor, the practice of law is a business. Learning to think like a business person means more than mechanically completing your daily tasks. Where the next source of capital is coming from and how to secure it, are thoughts that play on a loop in the business person's mind. Fortunately, you are typically not expected to be a “rainmaker” as a new attorney fresh out of law school. Therefore, take advantage of this no-pressure season in your career to practice developing that business mindset.

Self-marketing

A common message new attorneys receive is to focus on learning the law, that is, developing an expertise in your practice area. While there is validity to this advice, also consider that after years of developing your expertise, you may want to become a partner at a firm or a general counsel at a corporation. When that time arrives, an established legal mind will get your foot in the door, but only an established client base will get you a seat at the table.

Back to the basics

Learning how to market yourself to the legal community is the first step to building your clientele. Do not forget about some of the basics that brought you this far:

- Making and distributing business cards;
- Updating your social media and professional networking profiles;
- Rehearsing your elevator pitch about what you do; and
- Getting involved in community events to increase your presence in your local community.

Being connected to your local legal community will benefit you now more than ever, as you will have the opportunity not only to connect with other attorneys, but with potential clients.

Drop a line

Another critical step is to create a contact list. It should include all attorneys you know and anyone who might eventually be in the position to give you business. Start with old friends from law school, former bosses from college jobs, family members and personal mentors. Your initial list might be relatively small, and that is fine. As you become more involved in the legal and business community, you will be able to add to your running list. Take some serious time brainstorming your network. The time spent will be an investment that will pay off. Think of your contact list as any other tool: it is only effective when you pick it up and practice with it. Make it your goal to connect with at least one person on your list every week. Send a card or an email, give someone a call or meet with someone for coffee, if possible. After the initial contact, send a follow up message thanking them for their time. Then, and only then, shamelessly remind them that you are a new attorney



who is always looking for clients and invite them to reach out to you if they ever have any questions. Make your plug brief and casual. The individuals you connect with will hopefully be pleased to assist you. Do not be discouraged if they are not. Many new attorneys mistakenly allow these early “no’s” to stifle their enthusiasm for business development and never get past the self-marketing stage. Remember, when it comes to business, “no” may mean: “I do not currently have any work for you, but I will keep you in mind for the future,” or even “I do not have work for you, but I know a colleague or friend who might.” However, when a “no” really is what it is, just remember the wise words of Bobby McFerrin: “Don’t worry, be happy.” Learn from these minor setbacks, but do not dwell on them. Like law school, you must learn to adapt and persevere to win in the business development process.

Put the “art” in articles

Another great way to market yourself is to take advantage of every opportunity to publish your work, such as by writing articles for law reviews, legal magazines,

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Self-Marketing

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newsletters or even for your firm or company's blog. Opportunities abound. A good place to start is to walk around your home and office to see what legal publications are available. Chances are they contain subjects you are interested in or are relevant to your practice. Find out how you can submit work to these publications.

When you decide to submit an article, be sure to have it critically reviewed by your peers, not only for content and grammar, but for style. Articles are great

opportunities to deliver high-quality legal advice and thoughtful writing without cumbersome "legalese."

Your writing will demonstrate not only your interest in, and knowledge of, an area of law, but it will also show "soft" skills, such as time management and passion/commitment for your craft. This is a great way to attract potential business. Remember, the purpose of writing is to promote yourself and your firm/company. When submitting your work, include not only your name, but ask to include a short, professional biography and a picture as well. Once published, be sure to link the article to your professional networking

sites, and share it with sponsors and mentors.

Being a new attorney can be challenging. Sometimes you feel like there is so much out of your control; e.g., the projects, the partners you assist, and the timeline in which you must submit assignments. Be encouraged by knowing that only you control your client development. Using these self-marketing tools will be a great first step toward landing your first client.

See below for part two of this series.

Part 2: Who told you it's too soon to land clients?!

Client Service

By Bryant A. Andrews, Esq.

This is the second in a three-part series on business development for new attorneys when launching their careers. This article is on client service. Parts one and three cover self-marketing and business development.

You have faithfully carried out step one of the business development process: self-marketing. Your business cards have made their way to the other side of town, your elevator pitch is on point, your contact list is growing, and you are doing your best to get your work published. (See "Self-Marketing" in article one of this series.) Now, it is time for step two of the business development process — client service.

New Attorney: *"Do lawyers really need to focus so much on pleasing clients all the time? I mean, as long as we win, isn't that enough?"*

Senior Attorney: *"When it comes to clients, don't stress. Only work hard to please those clients you wish to keep."*

Client service

Client service focuses on the interpersonal relationship between you and the client. As a new attorney, you will initially assist two clients: the senior attorney who assigns you work and the senior attorney's client. Whether you realize it or not, every time you email a client or participate on a client call, you are in the position to give great client service. The hope from great client service, aside from pride in your top-quality work, is continued business from that client — and possibly new business as your reputation for great client service spreads. The more consistently you meet client needs and expectations, the more clients will value your service. Developing client service skills early in your career will equip you to provide superior client service when you have your own clientele.



From day one, you were trained to provide excellent legal services. However, unlike your law school professors, clients expect more than just the "right answer." Clients expect that you will be responsive, practical and efficient while discerning solutions.

Keep clients in the know

If you complete an internet search on "tools for a successful relationship," you will find that every link available highlights "communication." Frequent, open communication is critical for any relationship to thrive. This conventional wisdom

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Client Service

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equally applies to the business relationships you are building with your senior attorneys and their clients.

One of the most common complaints clients have toward their lawyers is a lack of responsiveness. Delayed emails, phone calls and messages undermine otherwise great legal work. The best remedy for unresponsiveness is simple: action. Consider the “24-hour rule.” The idea is to respond to a client inquiry within 24 hours. When a client asks a question, the last thing he/she wants to hear is crickets chirping. The 24-hour rule does not mean that you must develop a solution within 24 hours. You are only responsible for acknowledging that you have received the client’s communication. A simple “*We are looking into this and will be sure to update you soon*” will do the trick.

For some matters, weeks or months will pass with no significant updates. Even so, periodically inform the client that there has been no meaningful change in the status of the matter and that you will keep him/her apprised of any developments. You know the energy and care you are putting into your representation, but most of your efforts are made outside of your client’s presence. Keeping clients regularly informed displays your diligence and awareness of client needs. (You will also be better positioned to satisfy your duty of communication under Pennsylvania’s Rule of Professional Conduct 1.4—you know responsiveness with clients is important when it is a rule).

Practice practicality

There is a reason clients hire lawyers, not law professors. Clients seeking advice want to know the practical options available to them and the level of risk associated with those options – nothing more, nothing less. Put the theory, legal history and scholarly interpretation aside unless specifically requested. Yes, you are



called lawyer (legal scholar), and yes, you are called attorney (advocate). Do not forget that you are also called “counselor” (adviser). Providing sound, practical advice is how you earn that title.

To that end, assisting a client does not always demand using statutory interpretation or case law precedent. If a corporate client seeks to minimize its operation expenses, for example, a case or statute might not exist to suit that need; however, its business status could qualify it for a substantial tax credit or benefit. Creative, flexible, practical solutions like these go far in providing good client service.

Get to the heart of it

There is a time for detailed memoranda and briefs and a time for succinct emails or phone calls. It is key to identify the most advantageous format – legally and financially – to convey a client’s solutions. When in doubt, simply ask the client for his/her preference. No attorney has ever enjoyed disputing bills, and no client has ever enjoyed paying for unwarranted analysis. The goal is to tackle the client’s problem, not become the client’s problem. Therefore, it is more than appropriate to ask clients how much time they expect a

project to take if you are uncertain. If you begin to suspect that the undertaking may take longer than initially projected, share this insight and discuss the possibility of adjustments.

When you exercise responsiveness, practicality and efficiency, you are continuously building on a foundation of excellence that will meet and manage your clients’ expectations. You want your clients to rave about you. Dare to dream of a client saying, “*I know that there are plenty of qualified attorneys who can handle this matter for us, but we want [insert your name here].*”

See page 9 for part three of this series.

Business Development

By Bryant A. Andrews, Esq.

This is the final article in a three-part series on business development for new attorneys when launching their careers. This article is on business development. Parts one and two cover self-marketing and client service.

If business development were a product with a disclaimer, the label on the back would read:

Disclaimer: One size does not fit all. Success not guaranteed.

There may be senior attorneys in your community who you see succeeding at business development. A knee-jerk reaction might be to model what they do. While no one would question your judgment, take a moment to appreciate both the differences between you and that attorney and the fact that there is no single, objectively “correct” way to develop business. Because one approach works for a senior attorney does not mean that the approach will work for you. Much of business development centers on your honest evaluation of your strengths and weaknesses and your ability to pick the road to business development success that you can navigate most effectively.

For example, some attorneys find that their skills, personality and comfort-level enable them to thrive best when they are pitching their work at marketing events. Others recognize that their talents lie in expanding their business with current clients. No matter which road you ultimately traverse, your success will be rooted in a strong business development plan. Your business development plan should be made up of two core focus areas: 1) goals and 2) strategies to reach those goals.



Setting goals

There is an old proverb that without vision, the people perish. At the risk of preaching to the choir (attorneys are often perceived as goal-oriented people), you cannot accomplish a goal that you never set. At this stage in your career, that goal might be to land your first client or to do so within a certain time frame. Ultimately, your goals are limited only by your imagination. Some typical goals/milestones for new attorneys include:

- Arranging a certain number of meetings with prospective clients;
- Presenting or co-presenting a certain number of presentations;
- Joining a professional organization and obtaining a significant leadership position.
- Landing your first client – period, then one of a certain size;
- Landing your first client in a certain industry;
- Increasing the revenue you generate for your company/firm by a certain percentage, etc.

Only you know what you can handle, so only you can determine how many business development goals to aim for. Each goal is tantamount to running a marathon, so be realistic and wise when you decide how many marathons to run in a given season. A great way to select between goals is to reflect on what would make you feel most accomplished if you achieved it between now and a certain time period. Then, weigh those goals with your other demands, and move forward.

Developing a strategic approach

There are a number of vehicles to drive you toward your goals. Among them include:

- Seeking referrals from current clients;
- Expanding your business with current clients;
- Pitching your work at marketing events;
- Working through trade associations that create conferences, networking, charitable events, or educational materials; and
- Engaging in one-to-one networking and building a referral base.

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Business Development

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Each of the approaches above is an art form deserving of special attention in its own article series. That said, engaging in one-to-one networking is an option that is so immediately feasible for new lawyers, that it demands illumination here. The goal with networking and building a referral base is to create a robust mass of advocates for yourself; that is, people who know what kind of work you do as an attorney, and who can direct others to you if a legal need arises. Recall the contact list discussed under *Self-Marketing* in the first article of this series. Make sure that your network knows about your individual practice to such an extent that they could describe it to someone else. Take “commercial litigation” for example: telling others that this is what you do is not enough. People must know that for you specifically, commercial litigation means that you are involved in divorce matters, shareholder agreements, restrictive covenant issues, and contract disputes. Likewise, introducing yourself as a finance and securities attorney will not do. Tell people what this means— that your work revolves around breach of fiduciary duty issues, conflict of interest, churning, failure to supervise, trading without permission, etc.

Detailed appreciation for what you do is best received in one-to-one, meaningful meetings. Use the meetings as opportunities to learn about people, their business and their needs. Good attorneys are good speakers, but great attorneys are even better listeners, so listen with your ears and your heart — truly care about what is expressed. Then, when asked, answer the same questions you raised, describing yourself and your practice. If you can end the meeting with you and your colleague both suggesting a beneficial connection for each other, even better.

Another feasible approach at this early stage in your career may be to piggyback on the opportunities available to a senior attorney. If a senior attorney is presenting

a topic at a CLE, request to assist in research or preparing the slides. It is not unheard of that a senior attorney ultimately asks a new attorney to co-present if the new attorney does good work and demonstrates earnest interest/enthusiasm. Likewise, if a senior attorney will be speaking at a client training session or community event, see to it that you attend— even if only to observe. Opportunities to be in the same room as current or potential clients are simply too valuable to pass up.

Business development can be one of the most invigorating opportunities for new attorneys. There is freedom in setting goals, working out a strategic development plan and executing your vision. Because there is no one “correct” way to develop business, you are capable of molding and time-testing strategies with brand new styles to create your very own methods. The road to business development success will not be easy, but patience, consistency, and a willingness to grow will assist you along the way.



Bryant A. Andrews is an associate in the Pittsburgh office of Jackson Lewis PC. His practice focuses on representing employers in workplace law matters,

including preventive advice and counsel.

PBA YLD Seeks 2018-2019 Nominations

The PBA Young Lawyers Division’s Nominating Committee is accepting applications from YLD members interested in seeking nominations to run as candidates for the division’s 2018-2019 chair-elect, secretary, treasurer and ABA representative positions. The terms for those elected will begin at the conclusion of the 2018 Annual Meeting, May 9-10, at the Hershey Lodge Hotel, Hershey.

If you are interested in being nominated by the Nominating Committee under Article IV, Section 2, of the bylaws, please submit your qualifications and a brief biographical sketch by March 16, 2018, to Joel Seelye (Grabill & Seelye PLLC, 320 Frankstown Rd, Altoona, PA 16602). Materials also may be emailed to joel@grabillandseelye.com.

If you wish to be nominated by petition under Article IV, Section 4 of the bylaws, please send your materials with a petition signed by at least 15 members of the YLD by April 10, 2018, to the above address or fax number.

Send a copy of all materials to Maria Engles, YLD coordinator, Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, PA 17108 or maria.engles@pabar.org.

The YLD bylaws can be found on the PBA/YLD website at www.pabar.org/pdf/yldbylaws.pdf.

Joel Seelye can be reached at 724-366-1112 to answer any questions regarding the election process.

Calling all writers!

The YLD *At Issue* editor is now accepting article submissions. The subject matter should be relevant to young lawyers. Articles should be no longer than 1,200 words. Longer articles may be considered to run as a series. All submissions should include a short author biography and a digital photo of the author (300 dpi resolution preferred).

Email articles to Mark Kovalcin at Kovalcin.mark@gmail.com.

Articles for the next issue are due April 13, 2018.

Ten Tips to Landing Your First Client

By Emily Hart, Esq.

In the private practice of law, becoming a rainmaker doesn't happen overnight. A book of business starts with each attorney's first client. When you begin your practice at a law firm, your first few years of business will come from the "internal marketplace." Your "clients" are senior associates, partners and the firm. However, the day will come — if it hasn't already — when you will be in a conversation with a neighbor or answer a cold call from someone, who found your profile online, requesting legal advice. It will be your responsibility to turn this person from prospective client to your client.

Law school does not always prepare new attorneys to handle their first potential client opportunity, so here are 10 things to consider when landing your first potential client. These lessons were acquired through experiences while managing potential clients:

Establish contact, even if you have to take the time to figure out next steps

When you receive an email or a phone call from a potential client, the last thing you want to do is let a message sit in your inbox or voicemail box. A quick, "Thanks for your email. I am looking into this and will get back to you as soon as possible" puts someone at ease a lot more than being left hanging. If a prospective client has taken the time to reach out to you, you should reciprocate and leave the lines of communication open. Quick responses also show that you value the potential client's time and will continue to be available to them in the future.

Resist the urge to give off-the-cuff advice

You have taken hours upon hours of law school classes. You have passed the bar. You are an attorney. You know a lot about the law. But beware, do not let



your excitement of possibly landing your first client overtake your ethical duty to give accurate information and reasoned legal advice. Take a step back and let the potential client know that you will have to deliberate on his or her question a little more deeply before you give a response. Most potential clients are satisfied with this reply and are willing to wait until you have the opportunity to double-check what your instinct tells you is the right answer or best way to proceed. It always looks better to research first and come back with a correct answer than to give an incorrect answer and have to admit to the client you were wrong.

Run a conflicts check and explain your ethical duties

Another reason you should resist the urge to provide off-the-cuff advice is because you must screen your potential client for conflicts. You will cause more harm than good if you agree to represent an individual prior to advising that person of your duty to make sure the representation does not create a conflict. For example, a

friend approaches you in confidence and asks for some legal advice relating to an impending divorce between the friend and his spouse. If the law firm you work for has already agreed to represent the spouse in the divorce, you will create a conflict if you give legal advice to your friend. Often times, conflicts are less obvious than this example, but screening all potential clients for conflicts is essential to avoid problems.

Research the potential client, industry and issue

Successful attorneys know as much about their client and the client's industry as they do about the law. Are there any related parties? Is the potential client litigious? Has the potential client's business been in the news? Possessing knowledge about the potential client's industry allows you to engage them in conversation and ask relevant questions. Additionally, and it should go without saying, if you are presented with a legal issue that is new to you, research that issue. Google is your best friend and so are your colleagues. Chances are you know someone who has

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Ten tips to landing your first client

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dealt with a similar issue in the past. A bit of upfront research will enhance your general understanding of the issue and increase your confidence in counseling clients.

Discover exactly what the potential client wants

Some people just want free advice. Some think they know what they want, but after discussions with them, you find out that they are looking for something different. Listen carefully. An initial conversation with an entrepreneur about protecting intellectual property rights in his start-up might lead you to suggest he form an LLC. An important step to landing a potential client is discovering exactly what the desired outcome is and whether legal representation is the right option. Having an initial conversation with the potential client will allow you to evaluate expectations and set the stage for future representation.

Identify cross-servicing opportunities within your firm

“I need an attorney to write up my will,” your friend tells you. That’s great! Too bad you litigate personal injury cases for a living. However, chances are you know an attorney who does estate planning work. There might even be one right across the hall. Remember to advertise all practice areas of your firm to potential and current clients. If you practice at a small firm or are a solo practitioner, get in the habit of meeting other attorneys and building a network of referrals. Remember: what goes around comes around. It won’t be long before the estate planning attorney asks you to take on a personal injury case.

Lay out potential options, costs and timelines

Many new clients, particularly those with limited exposure to the legal system, have unrealistic expectations regarding how quickly things happen in the law. An initial conversation provides a great opportunity to set the potential client’s expectations. Be prepared to outline what you and/or your firm can do for the potential client, along with the potential fees and time frame for completing the work. Identify who will do the work and who will be the point of contact. Be prepared to provide details to the potential client. Oftentimes, this information will weed out those potential clients who are better suited pursuing options other than formal legal representation.

Request an advance

Consider alternative fee arrangements when working with clients with whom you do not have an existing attorney-client relationship. It is reasonable to request payment up front when you can estimate the cost of legal services, and there are far too many stories of attorneys not receiving payment from friends or first-time clients to experience this firsthand.

Take advantage of the experiences of more senior attorneys

Each attorney more senior than you, even by just a few months, has experiences to share when it comes to talking about generating new business and dealing with new clients. Everyone has a unique perspective, and most attorneys are willing to share advice when asked. Consider this an opportunity to grow your mentor relationships with these attorneys. Keep them updated as you work to obtain a potential client and remember to let them know how everything turns out.

Document your process and learn from your first experience

Early in your career, establish a record-keeping practice that works for you. This is particularly important when you are managing your first client relationship. Request additional training on your firm’s document management system if you think it would make you more organized and/or efficient. Retain emails between you and the client. Memorialize telephone conversations with a quick memo to the file. Track how much time you are spending on the matter. Even if you don’t land the potential client right away, a record of your first attorney-potential client exchanges can prove helpful in the future – especially if the potential client reaches out to you sometime down the road or if you face a similar legal issue later in your career.

The first few years of practice are a busy and exciting time in every new attorney’s life. While most of your work will most likely come from the internal marketplace and your firm’s current clients, it is vital to know how to handle potential clients. Business development is a marathon, not a sprint. It’s never too early to develop good client relationship management habits.



Emily Hart is an associate attorney at McNeese Wallace & Nurick LLC in Harrisburg. She practices in the firm’s Intellectual Property Group, focusing on trademark, copyright, advertising and software licensing.

CLE Credits – A Guide for the New Attorney

By Whitney S. Graham, Esq.

In the last year, you graduated from law school, endured the bar exam and are now settling contentedly into your first job as a lawyer. Legal education is behind you as you focus on the practice of law. But wait! The Pennsylvania Rules of Professional Conduct 1.1 require that “a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” Enter the continuing legal education requirement or CLE.

If you are new to the Pennsylvania Bar, including admission by motion, you get a small reprieve. New lawyers are exempt from the CLE requirements for the first 12 months. However, new lawyers are subject to separate CLE requirements. Bridging the Gap, a four-hour introductory program to get freshly minted attorneys up to speed, is required before the first compliance period has run.

After the first year, the Continuing Legal Education Board requires 10 credit hours of substantive law, practice and procedure, and two credit hours of ethics, professionalism and substance abuse. The type of credit offered is usually designated for each course as either substantive or ethics, and many courses offer both in the same program.

At the outset, your goal is to gather as many CLE credits as needed, but as you practice for several years, you may acquire an abundance of one type of credit. If you are long on ethics credits and short on substantive credits, you may apply the ethics credits to your substantive requirement. However, only ethics, professionalism and substance abuse credits count for the required two ethics credits per year period. If you find yourself at the end of the compliance period with several extra credits, some credits will carry forward into the next year. However, only credits earned at “live” in-person courses roll for-



ward for credit in the next year; so-called “distance learning credits” will not.

That all sounds great, I can hear you saying, but what is a compliance period? The compliance period is the date by which you need to complete the required credits for the 12-month period. Pennsylvania attorneys are allocated into one of three compliance groups. Each group has its own deadline for completion: Group 1 – April 30, Group 2 – Aug. 31 and Group 3 – Dec. 31. You cannot change your compliance group; it is set in stone according to PACLE regulations in order to avoid logistical calamity in tracking attorney compliance.

After you have learned your compliance deadline and have attended Bridging the Gap, you are ready to look for CLE courses that will be of interest specifically to you. Many organizations, such as the PBA’s education arm, the Pennsylvania Bar Institute, bar associations and commercial CLE vendors offer a panoply of course options, ranging from all-day seminars on a variety of substantive topics, to quick one-hour classes during a bar association lunch. CLE courses cover updates to the law through recent legislation, review of recent watershed trials and tips and tricks for effective practice.

CLE credits can be obtained in a variety of ways including: in person at a live CLE course, streamed live via the internet through distance learning options, on

demand for replay of past CLE courses through online download as well as mail order, and in real time over the phone. There are also some non-conventional means to obtain credit, like teaching that are explained on the PACLE website. Each of these CLE methods has certain advantages.

A live CLE is often the most engaging presentation and allows attendees to ask questions of the lecturers. Live courses also afford excellent networking opportunities among lawyers who have similar practice areas in the local community. Sometimes, there are also muffins and coffee.

On-demand CLE courses are a go-to option for attorneys pinched for time or who wish to view a course that is not offered in their geographic area. On



demand courses usually offer the ability to start, pause and return to a course later if needed. These are the most flexible of CLE offerings, but remember that on-demand credits do not roll over into the next compliance period for credit.

Live-stream CLE courses are an option for attorneys who wish to watch a course in real time from the comfort of their own office or sofa. Courses that offer this live-stream option often allow attorneys to submit questions remotely as the course progresses through an app or via email.

The cost of CLE credits can mount quickly. Many firms will pay for attorney

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CLE Credits

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CLE courses, but looking for a bargain is always a good idea. The on-demand classes are often the most economical, but there are plenty of frugal options for live courses too, and most CLE providers will offer a discount for new attorneys. Bar associations that offer CLE credit also provide discounts to members.

Keeping current with your CLE compliance is an essential aspect of being a practicing Pennsylvania attorney. If you are out of compliance, the board will issue a written warning giving you 60 days to remedy the issue. Failure to rectify a compliance issue can result in sanctions, including license suspension. You just worked very hard to obtain a license to practice law — protect it by completing your CLE credits on time.

As with any set of rule and requirements, there are some exceptions or variations that apply to attorneys with specific circumstances, such as inactive attorneys or members of the military stationed outside the commonwealth.

Check the PACLE rules for any special situations. You can also check your compliance through a PACLE account to determine how many and the type of credits you need each year. It is also recommended by the board that you maintain a record of your own CLE participation, by keeping your course completion receipts for at least three years.



Whitney S. Graham is an attorney with Graham & Mauer PC. She focuses her practice on personal injury litigation, including motor vehicle collision and premises liability cas-

es. She is a graduate with honors of Bryn Mawr College and earned a law degree from Temple University Beasley School of Law. Whitney can be reached at: wgraham@grahammauerlaw.com

Upcoming Wills for Heroes Events



April 7	TBD, Lycoming County
April 14	Penn State Law School Legal Clinic, Centre County
April 21	TBD, Susquehanna County
April 28	Lancaster County Public Safety Training Center, Lancaster County
May 19	TBD, Pike County
June 2	MVA at PBI, Cumberland County
Sept. 15	Lancaster County Public Safety Training Center, Lancaster County
Nov. 10	Lancaster County Public Safety Training Center, Lancaster County

Check the [YLD Wills for Heroes webpage](#) throughout the year to see events or to sign up to volunteer.



PBA Annual Meeting

May 9-11, 2018

Hershey Lodge
Hershey, PA

Mark your calendar and
watch for more information.

YLD business
meeting will take
place during this
event.



www.pabar.org



Upcoming PBA Events

- March 5 **Civil Litigation Regional Dinner**, Philadelphia
- March 14 **Public Utility Law Section Meet and Greet Reception with PUC Commissioner Norman J. Kennard**, Harrisburg
- March 20 **Environmental & Energy Law Section Global Climate Change Program and Reception**, University Park
- March 22 **A PCHR Playbook: The X's and O's of Practice Before the Philadelphia Commission on Human Relations**, co-sponsored by the Administrative Law Section and the Labor and Employment Law Section, Philadelphia
- March 22 **Commission on Women in the Profession Spring Conference**, Philadelphia, and simulcast in Allentown, Erie, Mechanicsburg, Pittsburgh and Scranton
- March 23-24 **PBA Statewide High School Mock Trial Championship**, Harrisburg
- Starting April 3 **Avoiding Legal Malpractice Seminars**, multiple locations
- April 9 **Administrative Law Section Commonwealth Court Practicum**, Harrisburg
- April 13-15 **Civil Litigation Section Retreat**, Skytop
- May 3-5 **Peace Institute**, presented by the Collaborative Law Committee, Philadelphia
- May 9-11 **PBA Annual Meeting**,* Hershey

* YLD business meeting will take place during the event.

CLICK [HERE](#) FOR UPCOMING PBA YLD EVENTS.

For more information, go to www.pabar.org and click on the Events Calendar.

AT ISSUE

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The materials printed herein are of general reference and are subject to interpretation consistent with state and federal laws.

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Commentary published in *At Issue* reflects the views of the authors and should not be regarded as the official views of the PBA Young Lawyers Division and/or the PBA.



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